

Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Dennis Withington, Council Member
Raymond Caranci, Council Member
Dr. Teresa Johnson, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, August 12, 2021
6:30 p.m.
AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PUBLIC**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes for the July 22, 2021, Regular Meeting
- VII. PROCLAMATIONS AND PRESENTATION**
 - a. Update of Legislation: Senator Bobby Powell and Representative Willhite
 - b. Presentation of FY 2020 Annual Financial Statement by Raquel McIntosh, Grau and Associates
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. PUBLIC HEARINGS:**
 - A. ORDINANCE NO. 498**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING THE CHARTER IN AND FOR THE TOWN OF HAVERHILL UPON APPROVAL OF THE ELECTORS AT A REFERENDUM TO BE HELD AT THE PRIMARY ELECTION ON MARCH 8, 2022, BY CHANGING THE TERM OF OFFICE FOR COUNCILMEMBERS FROM TWO YEARS TO THREE YEARS; REQUIRING A SPECIAL ELECTION FOR ANY COUNCIL SEAT VACANCY OCCURRING EIGHTEEN MONTHS OR MORE PRIOR TO THE END OF THE TERM, AND ALLOWING THE COUNCIL TO APPOINT A NEW MEMBER IF A VACANCY OCCURS WITH LESS THAN EIGHTEEN MONTHS REMAINING IN THE TERM; CLARIFYING THAT A COUNCILMEMBER'S TERM BEGINS AFTER RECEIPT OF THE CERTIFIED ELECTION RESULTS FROM THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, OR ON THE DATE THE ELECTION WOULD HAVE OCCURRED IN THE EVENT THAT THE ELECTION IS UNCONTESTED; REVISING THE CANDIDATE QUALIFICATIONS TO REQUIRE THAT ALL CANDIDATES FOR OFFICE OF COUNCIL RESIDE IN THE TOWN FOR AT LEAST ONE YEAR PRIOR TO THE FIRST DAY OF QUALIFYING, AND

REQUIRING THAT ALL CANDIDATES SIGN AN OATH ATTESTING TO THEIR RESIDENCY AND AUTHORIZING THE TOWN COUNCIL TO ADOPT AN ORDINANCE REQUIRING EACH CANDIDATE TO PROVIDE EVIDENCE OF THEIR RESIDENCY; AUTHORIZING TIES IN ELECTIONS TO BE DECIDED BY THE DRAWING OF LOTS; PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE FOR THE CHARTER AMENDMENTS SHOULD THE AMENDMENTS BE APPROVED BY THE ELECTORS AT THE MARCH 22, 2022 ELECTION; SETTING FORTH THE FORM OF THE BALLOT QUESTIONS TO BE VOTED UPON AT SUCH ELECTION; PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND FOR OTHER PURPOSES.

X. REGULAR AGENDAS AND FIRST READINGS

a. Request of Rick Ritter for parking waiver for 1158 Concord Avenue

XI. REPORTS

Town Attorney

Mayor

Town Administrator

a. Discuss proposed 2021-2022 budget

Committee/Delegate Report

Treasurer's Report (included in packet)

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. ADJOURNMENT

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370

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TOWN COUNCIL MEETING
August 12, 2021
6:30 p.m.

Public comment will be received via e-mail (jrutan@townofhaverhill-fl.gov) up until noon on August 12, 2021. Any public comments received via e-mail, will be made part of the record of the meeting. If you prefer to appear in person to address the Town Council and exhibit signs of illness, such as coughing or sneezing, please do not enter Town Hall. Each person will be granted 5 minutes to speak either on an agenda item or under Public Comment. If you wish to speak on a specific agenda item, please tell the Administrator prior to your entrance into the Town Hall so she can schedule speakers accordingly. Town Council has considered the health, safety and welfare of its residents and the public, and voted to continue to require face masks be worn during public meetings and public hearings in Town Hall and Town Council Chambers to address the Town Council. Masks will be required for those persons entering Council Chambers. Those persons gathering outside the Town Hall are encouraged to maintain a separation of at least six feet from one another. If you wish to listen to the Town Council Meeting via teleconferencing, dial 1-877-953-1152 and enter participant code 7404157#. Those individuals gathering outside of the Town Hall will need to dial-in to the number above as there will be no speaker outside to broadcast the meeting. Once the meeting begins, all participants will be muted, however, after Council discusses a specific workshop item, the call will be unmuted to allow for questions. Please be courteous of the other participants, speak in turns and do not talk over another speaker. Thank you for your patience and understanding.

**TOWN OF HAVERHILL
TOWN COUNCIL REGULAR MEETING
Thursday, August 12, 2021
OFFICIAL MINUTES**

The regular monthly meeting of the Haverhill Town Council was held at the Town Hall, 4585 Charlotte Street on Thursday, August 12, 2021. Those present were Jay Foy, Mayor, Dennis Withington, Council Member, Ray Caranci, Council Member and Teresa Johnson, Council Member. Also, present were John Fenn Foster, Town Attorney, and Janice C. Rutan, Town Administrator.

CALL TO ORDER

Mayor Foy called the meeting to order at 6:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Foy offered the invocation and led the Pledge of Allegiance.

ROLL CALL

All Town Council Members were present except Council Member Gordon who was attending the Florida League of Cities annual conference in Orlando.

APPROVAL OF AGENDA

A motion was made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed (4-0) to approve the agenda, as amended, reordering the agenda to hear the presentation of the annual audit prior to the legislative update.

PROCLAMATIONS AND PRESENTATION

Presentation of FY 2020 Annual Financial Statement by Raquel McIntosh, Grau and Associates

Racquel McIntosh, Senior Partner at Grau and Associates, the Town's independent auditing firm, presented the Annual Financial Statement for the period ending September 30, 2020, to the Town Council. She highlighted specific areas of the report restricted/unrestricted fund balances. Revenues vs. expenditures, etc. as well as explain the Auditor's findings for the audited period.

Council thanked Ms. McIntosh for her presentation. **A motion was then made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed (4-0) to receive and file the Annual Financial Statement for the Town for the period ending September 30, 2021.**

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes for the July 22, 2021, Regular Meeting

A motion was made by Council Member Withington, seconded by Council Member Caranci, and unanimously passed to approve the Consent Agenda as presented.

Update of Legislation: Senator Bobby Powell and Representative Willhite

Senator Bobby Powell and Representative Matt Willhite and their staff members were present to present Council with an overview of the legislative session and the bills that passed and failed. They both agreed that the session was a very difficult one as the public were unable to attend in

person. Many bills passed or failed based on party lines and not on the content or far-reaching effects of the proposed legislation.

They each spoke on legislation they had introduced. Although not supposed to have been able to have more than 7 bills in the house, Representative Willhite was successful in presenting 10 bills for consideration.

Senator Powel spoke of major legislative issues related to Elections and Police Reform. He was specifically perplexed about the legislation allowing for the minimum age of arrest to be 7 years old.

Attorney Foster inquired about recent legislation that had been passed that now required written parental authorization prior to any person affiliated with the medical profession rendering aid to a minor. He commented that the adverse effects of this legislation could be devastating in an emergency.

Mayor Foy expressed his concern that the municipalities right to home rule is being usurped by the legislature, citing recent changes to the laws governing Business Tax Receipts. He noted that so much was being done without full disclosure. He asked where one could go to learn about the daily activities occurring during the legislative session to be kept abreast of the changes to local law being proposed. Discussion followed.

The Town Council expressed their appreciation to Senator Powell and Representative Willhite for the time and effort put into their presentation and the valuable information shared.

COMMENTS FROM THE PUBLIC

Pastor Chris from the Abundant Life of God Church addressed the Town Council. He asked what had transpired between the last meeting when the Council seemed to be in favor of the changeable copy sign ordinance to now, noting he was told the matter would be on the agenda for first reading. He was upset to learn it was not being considered at this time.

It was explained that the matter had been discussed in detail at the August 3, 2021, workshop during which time a lot of questions were raised. The Council needed to consider how this change would benefit the Town. They also wanted the Pastor to be aware of the consequences a change like this could have on his entire site. If the existing non-conforming sign were to be replaced, not only would the replacement sign need to meet current code, but it would also require the entire site to meet current code, possibly affecting parking, etc.

The Council was waiting for staff to report back regarding the sign requirements specific to that property.

It was made clear that the Town Council would proceed with caution as once any change was made, they cannot step back so they need to be deliberant before any change was to be made.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Not present.

REGULAR AGENDAS AND FIRST READINGS

Request of Rick Ritter for parking waiver for 1158 Concord Avenue

Because Frederick Ritter had been waiting patiently for item 10.a. to come before the Town Council, it was agreed to amend the agenda to hear the request of Frederick Ritter at this time.

The Town Administrator offered Staff's report. This matter had been scheduled for the July meeting at which time Council had questions specific to the request for a parking waiver.

Mr. Ritter addressed the Town Council. He noted his lot was on the corner of Concord Avenue and Durham Street. Because of the placement of his septic tank and drain fields, the only available parking is in the front yard which is in violation of the Town Ordinance. It is impossible for him to park his boat, jet ski or any future recreational vehicles behind the plane of the house. Photographs were reviewed and a hand drawn map of his property was presented.

Council expressed concern that Mr. Ritter's request was open ended to include several recreational vehicles not yet purchased. Presently there exists a boat on a trailer and a jet ski on a trailer.

The Town Attorney suggested Mr. Ritter grass the area and use stones as a parking surface.

A motion was then made by Council Member Johnson to grant the parking waiver to Mr. Ritter for the boat and jet ski as they exist now, and should Mr. Ritter dispose of one of the watercrafts and want to replace with a recreational vehicle another application be made to the Town Council for their consideration. The motion was seconded by Council Member Withington and unanimously passed (4-0).

COMMENTS FROM THE PALM BEACH COUNTY FIRE RESCUE

Tracy Adams, Battalion Chief, Palm Beach County Fire Rescue addressed the Town Council offering stats for the previous month. There had been 25 calls for service in July (17 medical, 5 vehicular, 2 fires and 1 assist). The average response time was 6 minutes and 5 seconds.

She reminded all that we were still in Hurricane season and to be vigilant and prepared.

Council expressed their appreciation to Ms. Adams.

PUBLIC HEARINGS:

ORDINANCE NO. 498

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING THE CHARTER IN AND FOR THE TOWN OF HAVERHILL UPON APPROVAL OF THE ELECTORS AT A REFERENDUM TO BE HELD AT THE PRIMARY ELECTION ON MARCH 8, 2022, BY CHANGING THE TERM OF OFFICE FOR COUNCILMEMBERS FROM TWO YEARS TO THREE YEARS; REQUIRING A SPECIAL ELECTION FOR ANY COUNCIL SEAT VACANCY OCCURRING EIGHTEEN MONTHS OR MORE PRIOR TO THE END OF THE TERM, AND ALLOWING THE COUNCIL TO APPOINT A NEW MEMBER IF A VACANCY OCCURS WITH LESS THAN EIGHTEEN MONTHS REMAINING IN THE TERM; CLARIFYING THAT A COUNCILMEMBER'S TERM BEGINS AFTER RECEIPT OF THE CERTIFIED ELECTION RESULTS FROM THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, OR ON THE DATE THE ELECTION WOULD HAVE OCCURRED IN THE EVENT THAT THE ELECTION IS UNCONTESTED; REVISING THE CANDIDATE QUALIFICATIONS TO REQUIRE THAT ALL CANDIDATES FOR OFFICE OF COUNCIL RESIDE IN THE TOWN FOR AT LEAST ONE YEAR PRIOR TO THE FIRST DAY OF QUALIFYING, AND REQUIRING THAT ALL CANDIDATES SIGN AN OATH ATTESTING TO THEIR RESIDENCY AND AUTHORIZING THE TOWN COUNCIL TO ADOPT AN ORDINANCE REQUIRING EACH CANDIDATE TO PROVIDE EVIDENCE OF THEIR RESIDENCY; AUTHORIZING TIES IN ELECTIONS TO BE DECIDED BY THE DRAWING OF LOTS; PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE FOR THE CHARTER AMENDMENTS SHOULD THE AMENDMENTS BE APPROVED

BY THE ELECTORS AT THE MARCH 22, 2022 ELECTION; SETTING FORTH THE FORM OF THE BALLOT QUESTIONS TO BE VOTED UPON AT SUCH ELECTION; PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND FOR OTHER PURPOSES.

Attorney Foster offered Staff's report. He was asking the Council to table consideration of the Ordinance for many reasons. He had a bit of a legal concern with having multiple ballot questions resulting from one Ordinance and was considering each of the questions be its own Ordinance.

In addition, he suggested the Town Council reconvene the Charter Committee because the changes from their recommendation to Council were substantive. They were expecting the questions to be on the November ballot and now they were being moved to the March election.

Conversation earlier in the day with the Town Administrator revealed the Supervisor of Elections recommendations that municipalities consider elections every 4 years to coincide with the Presidential Preference Primary which the Towns could then piggy-back on the County Election saving each town the cost of a stand-alone election. Further the Supervisor of Elections was recommending other Charter changes resulting from her offer to manage all municipal elections except for the qualification of candidates.

The Town Administrator had presented a spreadsheet that highlighted should the Town go to a three-year term as recommended the Charter Review Committee; an election would still be held every year until 2025.

Discussion followed.

A motion was then made by Council Member Withington, seconded by Council Member Johnson, and unanimously passed (4-0) to table the second reading of Ordinance No. 498 and reconvene the Charter Review Committee.

REPORTS

Town Attorney

Attorney Foster once again expressed his concern over the passage of SB1060 that in essence prohibits the treating of minors in the event of a medical emergency without written parental authorization.

He noted his frustration over the legislation relating to cities and municipalities being taken away from local elected officials. He added that this needed to be changed and fixed.

Mayor

Mayor Foy agreed with Attorney Foster adding that the clear division in both the houses ce and senate as expressed by Senator Powell and Representative Willhite was extremely disturbing. He again added that so much was being done on the State level without the knowledge of the local governments and the full disclosure from those making the decisions.

He next reported on the regulated changes being made to the total maximum daily loads (TMDL) by the State that will cost the municipalities.

Town Administrator

Discuss proposed 2021-2022 budget

The Town Administrator confirmed the Town Council would be including the purchase of trash receptacles in the 2021/2022 proposed budget. It was agreed to s=choose blue with white imprint of the Town's logo.

Committee/Delegate Report

None.

Treasurer's Report

Included in packet.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Council Member Caranci expressed his appreciation to the Town Council for their cards, well wishes and meals sent to him after his unexpected bypass surgery.

The Town Administrator reported on a meeting she had attended with the Fire Committee and the presentation by Palm Beach County Fire Rescue introducing their plan to implement an independent fire district in place of the existing MSTUs with the municipalities. She would continue to report as more information became available.

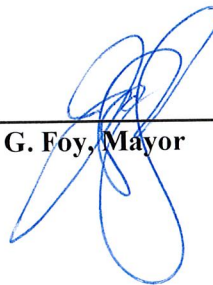
ADJOURNMENT:

With no further business to come before the Town Council, the meeting adjourned at 8:30 p.m.

Approved: August 26, 2021



Janice C. Rutan, Town Administration



Jay G. Foy, Mayor

